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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 LISA LINN OWEN,

10 Plaintiff,

11 v.  
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13 RYDER GWINN, et al.,

14 Defendants.

Case No. C19-899RSM

ORDER OF DISMISSAL

15 This matter comes before the Court *sua sponte* and on the Order's prior Order to Show  
16 Cause, Dkt. #5. *Pro se* Plaintiff Lisa Linn Owen has been granted leave to proceed *in forma*  
17 *pauperis* in this matter. Dkt. #2. The Complaint was posted on the docket on June 10, 2019.  
18 Dkt. #3. Summonses have not yet been issued.

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20 Ms. Owen brings suit against Dr. Ryder Gwinn, Swedish Hospital Cherry Hill, and  
21 others. *Id.* She checks the box for "federal question" as the basis for this Court's jurisdiction,  
22 but leaves blank a spot in her Complaint for "the specific federal statutes, federal treaties,  
23 and/or provisions of the United States Constitution that are at issue in this case." *Id.* at 3. Ms.  
24 Owen alleges that she is allergic to morphine, wears a red plastic bracelet to alert hospital staff  
25 of this fact, yet was forced to get two injections of morphine by Defendants and went into  
26 anaphylactic shock. *Id.* at 5. She also alleges Defendants performed emergency surgery on her  
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1 without her authorization, leading to pain and other complications. It appears to the Court that  
2 Ms. Owen alleges these events occurred the week of July 20, 2015. *Id.* at 9. She alleges  
3 continuing medical issues from these events up until the current year.

4 On June 28, 2019, the Court issued an Order to Show Cause stating that the Court  
5 appears to lack subject matter jurisdiction in this case, and that Ms. Owen's claims appear  
6 frivolous and untimely. Dkt. #5. Specifically, she was asked to provide the following: "(1) the  
7 law or laws upon which her claims are based, (2) why this Court has subject matter jurisdiction  
8 to hear these claims, and (3) why this case should not be dismissed as frivolous." *Id.*

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10 Ms. Owen's Response is difficult to follow and does not provide satisfactory answers to  
11 these questions. For example, she states "Federal Question Jurisdiction: I understand this to  
12 mean, that I am seeking Jurisdiction of governance permission, right-addresses..." Dkt. #6 at  
13 1. Later, she states "Subject Matter Jurisdiction: Is criminal negligence, Medical Malpractice.  
14 Isn't it a Federal Offense to murder someone, pre-meditated and standby by [sic] and watch and  
15 do nothing to help me the patient?" *Id.* at 2. She goes on to state "Federal question: Federal  
16 jurisdiction known as Diversity Justification Vindication: Dr. Ryder Patten Gwinn has resided  
17 in Elk Grove Village, Illinois 60007 prior to moving to Bellevue, Washington. Jordan Steed  
18 lives in Kirkland, WA. Jane Doe North African American woman, has Dual citizenship,  
19 Florida, Washington state, North Africa continent." *Id.*

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21 The Court will dismiss a Complaint at any time if the action fails to state a claim, raises  
22 frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from  
23 such relief. *See* 28 U.S.C. § 1915(e)(2)(B). Because Ms. Owen has filed this case in Federal  
24 Court, subject matter jurisdiction may be based on diversity or the existence of a federal  
25 question, as set forth in 28 U.S.C. §§ 1331 and 1332. Plaintiff alleges that the jurisdictional  
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1 basis for this lawsuit is federal question jurisdiction. Pursuant to 28 U.S.C. § 1331, federal  
2 district courts have original jurisdiction over “all civil actions arising under the Constitution,  
3 laws, or treaties of the United States.” “A case ‘arises under’ federal law either where federal  
4 law creates the cause of action or ‘where the vindication of a right under state law necessarily  
5 turn[s] on some construction of federal law.’” *Republican Party of Guam v. Gutierrez*, 277 F.3d  
6 1086, 1088-89 (9th Cir. 2002) (quotation omitted). The presence or absence of federal question  
7 jurisdiction is governed by the “well-pleaded complaint rule, which provides that federal  
8 question jurisdiction exists only when a federal question is presented on the face of the  
9 plaintiff’s properly pleaded complaint.” *Smallwood v. Allied Van Lines, Inc.*, 660 F.3d 1115,  
10 1120 (9th Cir. 2011) (citing *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392, 107 S. Ct. 2425, 96  
11 L. Ed. 2d 318 (1987)).  
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14 The Court finds that Ms. Owen has failed to set forth a basis for this Court’s subject  
15 matter jurisdiction in her Complaint or in her Response. Murder—or medical malpractice for  
16 that matter—are not generally federal offenses. Ms. Owen has failed to point to some other  
17 basis under law for this case to be properly filed in federal court. She alludes to diversity  
18 jurisdiction at one point in her Response, but it is clear to the Court that all Defendants now  
19 reside in the same state as Ms. Owen. It is irrelevant that a nurse appeared to Ms. Owen to be  
20 of North African descent, or that Defendants may have lived in other states prior to this lawsuit  
21 being filed.  
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24 Given all of the above, the Court will dismiss this action for failing to state a claim and  
25 for frivolousness. *See* 28 U.S.C. § 1915(e)(2)(B). Having reviewed the relevant briefing and  
26 the remainder of the record, the Court hereby finds and ORDERS:  
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1) Plaintiff’s claims are DISMISSED.

2) All pending Motions are STRICKEN as moot.

3) This case is CLOSED.

DATED this 22 day of July 2019.

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RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE